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89th CONGRESS  
1st Session

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IN THE HOUSE OF REPRESENTATIVES

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A BILL

To amend the Federal Firearms Act.

- 1       Be it enacted by the Senate and House of Representa-  
2       tives of the United States of America in Congress assembled,  
3       That the first section of the Federal Firearms Act (52 Stat.  
4       1250) is amended to read as follows:  
5            "That as used in this Act --  
6            "(1) The term 'person' includes an individual, partner-  
7       ship, association, or corporation.  
8            "(2) The term 'interstate or foreign commerce' means  
9       commerce between any State or possession (not including the  
10      Canal Zone), or the District of Columbia, and any place  
11      outside thereof; or between points within the same State or  
12      possession (not including the Canal Zone), or the District  
13      of Columbia, but through any place outside thereof; or  
14      within any possession or the District of Columbia. The

- 2 -

1 term 'State' shall be held to include the Commonwealth of  
2 Puerto Rico, the Virgin Islands, and the District of  
3 Columbia.

4       "(3) The term 'firearm' means any weapon, by whatsoever  
5 name known, which will, or is designed to, or which may be  
6 readily converted to, expel a projectile or projectiles by  
7 the action of an explosive; the frame or receiver of any  
8 such weapon; or any firearm muffler or firearm silencer; or  
9 any destructive device.

10       "(4) The term 'destructive device' means any explosive  
11 or incendiary (a) bomb or (b) grenade or (c) rocket or (d)  
12 missile or (e) similar device, or launching device therefor  
13 (except a device which is not designed or redesigned or used  
14 or intended for use as a weapon or part thereof); and the  
15 term shall also include any type of weapon by whatsoever  
16 name known (other than a <sup>1-\*</sup>shotgun) which will, or which is  
17 designed to, or which may be readily converted to, expel a  
18 projectile or projectiles by the action of an explosive, the  
19 barrel or barrels of which have a bore of one-half inch or  
20 more in diameter.

21       "(5) The term 'importer' means any person engaged in  
22 the business of importing or bringing firearms into the  
23 United States for purposes of sale or distribution; and the

- 3 -

1 term 'licensed importer' means any such person licensed  
2 under the provisions of this Act.

3 "(6) The term 'manufacturer' means any person engaged  
4 in the manufacture of firearms for purposes of sale or  
5 distribution; and the term 'licensed manufacturer' means  
6 any such person licensed under the provisions of this Act.

7 "(7) The term 'dealer' means (a) any person engaged  
8 in the business of selling firearms at wholesale or retail,  
9 (b) any person engaged in the business of repairing such  
10 firearms or of manufacturing or fitting special barrels,  
11 stocks, or trigger mechanisms to firearms, or (c) any  
12 person who is a pawnbroker. The term 'licensed dealer'  
13 means any dealer who is licensed under the provisions of  
14 this Act.

15 "(8) The term 'pawnbroker' means any person whose  
16 business or occupation includes the taking or receiving, by  
17 way of pledge or pawn, of any firearm as security for the  
18 payment or repayment of money.

19 "(9) The term 'indictment' includes an indictment or  
20 an information in any court of the United States, the  
21 several States, possessions, or the District of Columbia  
22 under which a crime punishable by imprisonment for a term  
23 exceeding one year may be prosecuted.

- 4 -

1       "(10) The term 'fugitive from justice' means any  
2 person who has fled from any State, the District of Columbia,  
3 or a possession of the United States (a) to avoid prosecution  
4 for a crime punishable by imprisonment for a term exceeding  
5 one year, or (b) to avoid giving testimony in any criminal  
6 proceeding.

7       "(11) The term 'crime punishable by imprisonment for  
8 a term exceeding one year' shall not include any Federal or  
9 State offenses pertaining to antitrust violations, unfair  
10 trade practices, restraints of trade, or other similar  
11 offenses relating to the regulation of business practices  
12 as the Secretary may by regulation designate.

13       "(12) The term 'Secretary' or 'Secretary of the Treasury'  
14 means the Secretary of the Treasury or his delegate."

15       SEC. 2. Section 2 of the Federal Firearms Act is  
16 amended to read as follows:

17       "(a) It shall be unlawful for any person, except an  
18 importer, manufacturer, or dealer having a proper license  
19 issued under the provisions of this Act, to transport, ship,  
20 or receive any firearm in interstate or foreign commerce:  
21 except, (1) that nothing in this subsection shall be  
22 construed as making unlawful the transportation of a  
23 firearm (other than a destructive device or a firearm as

- 5 -

1 defined in section 5848(1) of the Internal Revenue Code of  
2 1954) possessed and carried in conformity with State and  
3 Federal law by an individual traveling in interstate or  
4 foreign commerce if such transportation is for a lawful  
5 purpose, not including sale; (2) that nothing in this sub-  
6 section shall be construed as making unlawful the shipping  
7 or transporting of a firearm in interstate or foreign  
8 commerce by a common or contract carrier in the operation  
9 of his business as otherwise provided by this Act or by  
10 United States mail to a licensed importer, licensed manu-  
11 facturer, or licensed dealer; and (3) that nothing in this  
12 subsection shall be construed as applying in any manner in  
13 the District of Columbia or a possession differently than  
14 it would apply if the District of Columbia or the possession  
15 were a State of the United States.

16 "(b) It shall be unlawful for any importer, manufacturer,  
17 or dealer to sell any firearm without satisfactorily ascer-  
18 taining the true identity and place of residence of the  
19 purchaser or knowingly to sell any firearm to a person under  
20 18 years of age or to a resident of any State other than  
21 that in which the importer's, manufacturer's, or dealer's  
22 place of business is located (except to a licensed importer,  
23 licensed manufacturer, or a licensed dealer).

1       "(c) It shall be unlawful for any licensed importer,  
2 licensed manufacturer, or licensed dealer to sell or other-  
3 wise dispose of any firearm received in interstate or foreign  
4 commerce to any person knowing or having reasonable cause to  
5 believe that such person is under indictment or has been  
6 convicted in any court of the United States, the several  
7 States, possessions, or the District of Columbia of a crime  
8 punishable by imprisonment for a term exceeding one year or  
9 is a fugitive from justice.

10       "(d) It shall be unlawful for any person who is under  
11 indictment or who has been convicted of a crime punishable  
12 by imprisonment for a term exceeding one year, or who is a  
13 fugitive from justice, to ship, transport, or cause to be  
14 shipped or transported, any firearm in interstate or foreign  
15 commerce.

16       "(e) It shall be unlawful for any person who is under  
17 indictment or who has been convicted in any court of a crime  
18 punishable by imprisonment for a term exceeding one year,  
19 or is a fugitive from justice, to receive any firearm which  
20 has been shipped or transported in interstate or foreign  
21 commerce.

22       "(f) It shall be unlawful for any person knowingly to

23 deposit, or cause to be deposited for mailing or delivery by  
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1 mail, or knowingly to deliver, or cause to be delivered, to  
2 any common or contract carrier for transportation or ship-  
3 ment in interstate or foreign commerce, any package or other  
4 container in which there is any firearm, without written  
5 notice to the Postmaster General or his delegate or to the  
6 carrier (as the case may be) that a firearm is being  
7 transported or shipped.

8       "(g) It shall be unlawful for any common or contract  
9 carrier to deliver, or cause to be delivered, in interstate  
10 or foreign commerce any firearm to any person who does not  
11 exhibit or produce evidence of a license obtained under  
12 section 3 of this Act or who is not exempted by section 4  
13 from the provisions of this Act.

14       "(h) It shall be unlawful for any person to transport  
15 or ship or cause to be transported or shipped in interstate  
16 or foreign commerce any stolen firearm, knowing, or having  
17 reasonable cause to believe, same to have been stolen.

18       "(i) It shall be unlawful for any person to receive,  
19 conceal, store, barter, sell, or dispose of any firearm or  
20 pledge or accept as security for a loan any firearm moving  
21 as, or which is a part of, or which constitutes interstate  
22 or foreign commerce, knowing, or having reasonable cause to  
23 believe the same to have been stolen.

- 8 -

1       "(j) It shall be unlawful for any person to transport,  
2 ship, or knowingly receive in interstate or foreign commerce  
3 any firearm from which the importer's or manufacturer's  
4 serial number, as the case may be, has been removed,  
5 obliterated, or altered.

6       "(k) It shall be unlawful for any person to import or  
7 bring into the United States or any possession thereof any  
8 firearm for which a license to import or bring into the  
9 United States is required under section 3(e) of the Act,  
10 unless such person has first obtained a license from the  
11 Secretary, as provided in such section to so import or bring  
12 in such firearm.

13       "(l) It shall be unlawful for any person to knowingly  
14 receive any firearm which has been imported or brought into  
15 the United States or any possession thereof in violation of  
16 the provisions of this Act."

17       SEC. 3. Section 3 of the Federal Firearms Act is  
18 amended to read as follows:

19       "SEC. 3. (a) Any importer, manufacturer, or dealer  
20 desiring to transport, ship, or receive firearms in inter-  
21 state or foreign commerce shall file an application for a  
22 license with the Secretary in such form and containing such  
23 information as the Secretary shall by regulation prescribe.



- 9 -

1 Each applicant shall be required to pay a fee for obtaining  
2 such license (for each place of business) as follows:

3           "(1) If a manufacturer --

4                "(A) of destructive devices, a fee of  
5 \$1,000 per annum; or

6                "(B) of firearms (other than destructive  
7 devices), a fee of \$500 per annum; or

8           "(2) If an importer --

9                "(A) of destructive devices, a fee of  
10 \$1,000 per annum; or

11               "(B) of firearms (other than destructive  
12 devices), a fee of \$500 per annum; or

13           "(3) If a dealer --

14                "(A) in destructive devices, a fee of \$500  
15 per annum; or

16                "(B) who is a pawnbroker (dealing in firearms  
17 other than destructive devices), a fee of \$250 per  
18 annum; or

19                "(C) in firearms (other than as described  
20 in subparagraph (A) or (B)), a fee of \$100 per  
21 annum.

22           "(b) Upon filing by an applicant of a proper application  
23 and payment of the prescribed fee, the Secretary shall (except

1 as provided in subsection (c)), issue to such applicant the  
2 license applied for, which shall, subject to the provisions  
3 of this Act, entitle the licensee to transport, ship, and  
4 receive firearms covered by such license in interstate or  
5 foreign commerce during the period stated in the license.

6 "(c) Any application submitted under subsections (a)  
7 and (b) of this section shall be disapproved and the license  
8 denied if the Secretary, after notice and opportunity for  
9 hearing, finds that --

10 "(1) the applicant is under 21 years of age; or

11 "(2) the applicant (including in the case of a  
12 corporation, partnership, or association, any  
13 individual possessing directly or indirectly, the power  
14 to direct or cause the direction of the management and  
15 policies of the corporation, partnership, or association)  
16 is prohibited from transporting, shipping, or receiving  
17 firearms in interstate or foreign commerce under the  
18 provisions of subsection (d) or (e) of section 2 of  
19 this Act, or is, by reason of his business experience,  
20 financial standing, or trade connections, not likely  
21 to maintain operations in compliance with this Act; or

22 "(3) the applicant has willfully violated any of  
23 the provisions of this Act or the regulations issued

- 11 -

1       thereunder; or

2               "(4) the applicant has willfully failed to  
3       disclose any material information required, or made  
4       any false statement as to any material fact, in  
5       connection with his application; or

6               "(5) the applicant does not have, or does not  
7       intend to have or to maintain, in a State or possession,  
8       business premises (other than premises used as living  
9       quarters) for the conduct of the business.

10       "(d) The provisions of section 2(c), (d), and (e) of  
11       this Act shall not apply in the case of a licensed importer,  
12       licensed manufacturer, or licensed dealer who is indicted  
13       for a crime punishable by imprisonment for a term exceeding  
14       one year. A licensed importer, licensed manufacturer, or  
15       licensed dealer may continue operations pursuant to his  
16       existing license (provided that prior to the expiration of  
17       the term of the existing license timely application is made  
18       for a new license) during the term of such indictment, and  
19       until any conviction pursuant to the indictment becomes final,  
20       whereupon he shall be fully subject to all provisions of  
21       this Act and operations pursuant to such license shall be  
22       discontinued.

23       "(e) Any person desiring to import or bring any

1 firearm into the United States or a possession thereof  
2 shall, in addition to complying with all other applicable  
3 provisions of law, obtain a license from the Secretary  
4 for the importation or bringing in of such firearm.  
5 Licenses required under this subsection shall be issued in  
6 such form or manner and subject to such conditions as the  
7 Secretary shall by regulation prescribe. No license  
8 shall be issued under the provisions of this subsection  
9 unless it has been established to the satisfaction of the  
10 Secretary --

11           "(1) That the firearm is to be imported or brought  
12 in for a lawful purpose, and is adequately identified  
13 in such manner that proper records of its importation  
14 and disposition may be maintained; and

15           "(2) That such firearm is being imported or  
16 brought in for scientific or research purposes, or  
17 is for use in connection with competition or  
18 training pursuant to Chapter 401 of Title 10 of the  
19 United States Code; or

20           "(3) That the firearm to be imported or brought  
21 in is unique or so unusual in design or workmanship or  
22 caliber that a comparable firearm cannot be obtained in  
23 the United States or a possession thereof; or

- 13 -

1           "(4) That the importation or bringing in of such  
2       firearm is in the public interest.

3       Applicants for licenses under the provisions of this sub-  
4       section shall pay a fee of \$10 for each firearm licensed to  
5       be imported or brought into the United States.

6           "(f) No licensed importer, licensed manufacturer, or  
7       licensed dealer shall sell or otherwise dispose of a  
8       destructive device to a non-licensee unless he has in his  
9       possession a sworn statement executed by the principal law  
10      enforcement officer of the locality wherein the purchaser  
11      or person to whom the destructive device is to be disposed  
12      of resides, attesting that there are no provisions of law,  
13      regulations, or ordinances which would be violated by such  
14      person's receipt or possession of the destructive device,  
15      and until the licensee has submitted a copy of such sworn  
16      statement to the Secretary and has received acknowledgment  
17      of receipt thereof. Such sworn statement shall be submitted  
18      in such form and contain such information as the Secretary  
19      shall by regulations prescribe.

20          "(g) Each licensed importer, licensed manufacturer,  
21      and licensed dealer shall maintain such records of  
22      importation, production, shipment, receipt, and sale and  
23      other disposition, of firearms at such place, for such

1 period and in such form as the Secretary may by regulations  
2 prescribe. Such importers, manufacturers, and dealers shall  
3 make such records available for inspection at all reasonable  
4 times, and shall submit to the Secretary such reports and  
5 information with respect to such records and the contents  
6 thereof as he shall by regulations prescribe. The Secretary  
7 or his delegate may enter during business hours the premises  
8 (including places of storage) of any firearms importer,  
9 manufacturer, or dealer for the purpose of inspecting or  
10 examining any records or documents required to be kept by  
11 such importer or manufacturer or dealer under the provisions  
12 of this Act or regulations issued pursuant thereto, and any  
13 firearms kept or stored by such importer, manufacturer, or  
14 dealer at such premises. Upon the request of any State, or  
15 possession, or the District of Columbia, or political sub-  
16 division thereof, the Secretary of the Treasury may make  
17 available to such State, or possession, the District of  
18 Columbia, or any political subdivision thereof, any information  
19 which he may possess or which he may obtain by reason of the  
20 provisions of this Act with respect to the identification of  
21 persons within such State, or possession, or the District of  
22 Columbia, or political subdivision thereof, who have purchased  
23 or received firearms in interstate or foreign commerce,

- 15 -

1 together with a description of the firearms so purchased  
2 or received.

3       "(h) Each licensed importer, licensed manufacturer,  
4 and licensed dealer shall maintain on the exterior and near  
5 the entrance of his business premises a sign in clear and  
6 readily legible form showing that he is a 'licensed firearms  
7 importer', 'licensed firearms manufacturer', or 'licensed  
8 firearms dealer', as the case may be, and no other person  
9 shall post or maintain such a sign.

10       "(i) Licensed importers and licensed manufacturers  
11 shall identify (or cause to be identified) in such manner  
12 as the Secretary shall by regulations prescribe, each  
13 firearm imported or manufactured by such importer or  
14 manufacturer."

15       SEC. 4. Section 4 of the Federal Firearms Act is  
16 amended to read as follows:

17       "SEC. 4. (a) The provisions of this Act shall not  
18 apply with respect to the transportation, shipment, receipt,  
19 or importation of any firearms imported for or sold or  
20 shipped to, or issued for the use of (1) the United States  
21 or any department, independent establishment, or agency  
22 thereof; or (2) any State, or possession, or the District  
23 of Columbia, or any department, independent establishment,

- 16 -

1 agency, or any political subdivision thereof.

2       "(b) Nothing contained in this Act shall be construed  
3 to prevent shipment of firearms to institutions, organizations,  
4 or persons to whom firearms may be lawfully delivered by the  
5 Secretary of Defense or his delegate, nor to prevent the  
6 receipt or transportation of such firearms by their lawful  
7 possessors while they are engaged in military training or  
8 in competitions."

9       SEC. 5. Subsection (b) of section 5 of the Federal  
10 Firearms Act is amended to read as follows:

11       "(b) Any firearm involved in, or used or intended to  
12 be used in, any violation of the provisions of this Act or  
13 any rules or regulations promulgated thereunder or any  
14 violation of the provisions of Title 18 U.S.C. section 111,  
15 112, 372, 871, 1114, or 1751 shall be subject to seizure and  
16 all provisions of the Internal Revenue Code of 1954 relating  
17 to the seizure, forfeiture, and disposition of firearms as  
18 defined in section 5848(1) of said Code, shall, so far as  
19 applicable, extend to seizures and forfeitures under the  
20 provisions of this Act."

21       SEC. 6. The amendments made by this Act shall become  
22 effective on the date of the enactment of this Act; except  
23 that the amendments made by section 3 of this Act to section 3(a)



- 17 -

1 of the Federal Firearms Act shall not apply to any importer,  
2 manufacturer, or dealer licensed under the Federal Firearms  
3 Act on the date of the enactment of this Act until the  
4 expiration of the license held by such importer, manufacturer,  
5 or dealer on such date.

6 SEC. 7. The Federal Firearms Act is amended by adding  
7 at the end thereof the following new section:

8 "SEC. 10. Nothing in this Act shall be construed as  
9 modifying or affecting the requirements of section 414 of  
10 the Mutual Security Act of 1954, as amended, with respect  
11 to the manufacture, exportation, and importation of arms,  
12 ammunition, and implements of war."